

The Honorable Robert S. Lasnik

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANANAIS ALLEN, an individual, and AUSTIN
CLOY, an individual,

Plaintiffs,

v.

FLIGHT SERVICES AND SYSTEMS, INC.,
a foreign corporation,

Defendant.

Case No. 2:16-cv-1137-RSL

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVES'
INCENTIVE AWARD**

WHEREAS, Plaintiffs have submitted authority and evidence supporting Plaintiffs' Motion for Attorney's Fees, Costs and Class Representative's Incentive Award; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiffs' Motion for Attorney's Fees, Costs and Class Representatives' Incentive Award.

2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices of Daniel Whitmore as Class Counsel.

3. Class Counsel has requested the Court award \$76,668.42, an amount equal to

**~~PROPOSED~~ ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVES' INCENTIVE
AWARD - 1**

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1 Defendant Flight Services and Systems, Inc. a foreign corporation's ("FSS") contribution
2 towards Class Counsel's attorney's fees.

3 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030 and
4 the Ordinance ("SeaTac Municipal Code Chapter 7.45"). The Court reaches this conclusion after
5 analyzing: (1) the results Class Counsel achieved; (2) Class Counsel's risk in this litigation; (3)
6 the complexity of the issues presented; (4) the hours Class Counsel worked on the case; (5) Class
7 Counsel's hourly rate; (6) the contingent nature of the fee; and (7) awards made in similar cases.

8 5. Class Counsel has submitted authority and declarations to support the Court's
9 lodestar cross-check.
10

11 6. Class Counsel reasonably expended more than 261.68 hours on the investigation,
12 preparation, filing, and settlement of Plaintiffs' Claims. Their detailed time records are based on
13 contemporaneous records of hours worked. Class Counsel exercised billing judgment and billed
14 efficiently.

15 7. Class Counsel's hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel
16 Whitmore, and \$310.00 for Mark Trivett - are reasonable hourly rates considering their
17 individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.
18 1996) and the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895
19 (1984).
20

21 8. Applying these rates to the number of hours reasonable expended in litigation,
22 Class Counsel's lodestar is approximately \$87,552.48. This lodestar reflects work and expenses
23 that was reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are
24 estimated to occur in concluding the case.

25 9. Here, Plaintiffs pursued the action under a remedial Washington employment
26

1 statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency
2 fee basis and assumed the risk that if they were unsuccessful, they would receive no
3 compensation for their work on the certified questions or settlement negotiations. This action
4 was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential
5 existed for a long and protracted litigation as the Court addressed novel legal issues.

6 10. Class Counsel performed high-quality work, resulting in an extremely favorable
7 collective settlement for Class Members. Class Members recovered the entirety of their owed
8 wages arising under the Ordinance with interest. This is an excellent result for the Class.
9

10 11. Defendant agreed to pay \$511,122.82 to the Class Members, inclusive of any
11 attorney's fees and costs. The litigation expenses and costs incurred by Class Counsel were
12 reasonable, necessary, and appropriately documented in the declarations filed by Class Counsel.

13 12. This Court also awards \$2,000.00 (\$1,000.00 each) to Plaintiffs Ananais Allen
14 and Austin Cloy as incentive award for serving as the class representatives.

15 13. Based on the foregoing findings and analysis, the Court awards Class Counsel
16 \$76,668.42 in attorney's fees.
17

18
19 IT IS SO ORDERED this 2nd day of November, 2018.

20
21 
22 HONORABLE ROBERT S. LASNIK

23 PRESENTED BY:

24 BADGLEY MULLINS TURNER PLLC

25 /s/ Duncan C. Turner

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3 **LAW OFFICE OF DANIEL R. WHITMORE**

4 /s/ Daniel R. Whitmore

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10 **Attorneys for Plaintiffs and Class**

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~~[PROPOSED]~~ ORDER GRANTING PLAINTIFFS'
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